

## UNITED STATES DEPARTMENT OF COMMERCE

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 12/29/98
 RAY
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 6328-21

 EXAMINER

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EXA	MINER
CROSS,L	
ART UNIT	PAPER NUMBER
1743	12

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 



**Advisory Action** 

Application No. **09/222,123** 

Applicant(s)

Ray et al

Examiner

LaToya Cross

Group Art Unit 1743

THE PERIOD FOR RESPONSE: [check only a) or b)]  a) & expires 4 months from the mailing date of the final rejection.  b) expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.  Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be date on the mean from the date of the originally set shortened statutory period for response or as set forth in blace.  Appellant's Brief is due two months from the date of the Notice of Appeal filed on		PERIC	<u> </u>	C. (-bll\ b			
b) cypires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final free period.  Any extension of time must be obtained by filing a petition under 37 CFR 1.138(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in by above.  Appellant's Brief is due two months from the date of the Notice of Appeal filed on	5				• •		
is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.  Any extension of time must be obtained by filing a petition under 37 CFR 1.138(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in by above.  Appellant's Brief is due two months from the date of the Notice of Appeal filed on	•				•		
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period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a). Applicant's response to the final rejection, filed on	- (	iate on wi	hich the response, the i	petition, and the fee have be	en filed is the date of the	response and also the date for the	nurnoses of
<ul> <li>☑ The proposed amendment(s):         <ul> <li>will be entered upon filing of a Notice of Appeal and an Appeal Brief.</li> <li>☑ will not be entered because:</li></ul></li></ul>	/ [ ا	Appellar period fo	nt's Brief is due two or response set for	months from the date h above, whichever is	of the Notice of App later). See 37 CFR	eal filed on 1.191(d) and 37 CFR 1.192	(or within any
<ul> <li>will be entered upon filing of a Notice of Appeal and an Appeal Brief.</li> <li>★ will not be entered because:         <ul> <li>they raise new issues that would require further consideration and/or search. (See note below).</li> <li>they raise the issue of new matter. (See note below).</li> <li>they are not deemed to place the application in better form for appeal by materially reducing or simplifying issues for appeal.</li> <li>★ they present additional claims without cancelling a corresponding number of finally rejected claims.</li> </ul> </li> <li>NOTE:         <ul> <li>Applicant's response has overcome the following rejection(s):</li></ul></li></ul>	۱pp out	licant's is NOT	s response to the deemed to place	final rejection, filed o the application in co	n <u>Jan 26, 2001</u> ndition for allowand	has been considered	d with the following effect,
<ul> <li>★ will not be entered because:</li></ul>	<u>(</u>	The prop	posed amendment	s):			
they raise new issues that would require further consideration and/or search. (See note below).  they raise the issue of new matter. (See note below).  they are not deemed to place the application in better form for appeal by materially reducing or simplifying issues for appeal.  they present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE:  Applicant's response has overcome the following rejection(s):  The rejection of claims 1 and 19 under 35 USC 112. second paragraph  Newly proposed or amended claims separate, timely filed amendment cancelling the non-allowable claims.  The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in c for allowance because:  Applicants argue that the device of Bahl et al does not disclose drying of a liquid sample. This is Applicants' inte of the device, which is given no patentable weight. Applicants also argue that there is no disclosure of a "means" The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly rai Examiner in the final rejection.  For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):  Claims allowed: none  Claims objected to: none  Claims rejected: 1-12 and 19-21  The proposed drawing correction filed on   has   has not been approved by the Ex	[	will	be entered upon fil	ing of a Notice of Appe	eal and an Appeal Br	ief.	
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Other for facilitating removal of at least a portion of the collection pad from the strip".  Applicants' specification discloses an aperture or opening which serves to facilitate removal of a portion of the collection pad. It is submitted that the apertures of Bahl et al.		Newly perseparate The affifor allow Applicate of the definition of	proposed or amend te, timely filed ameridavit, exhibit or recommendates argue that the experience which is given idavit or exhibit will her in the final reject poses of Appeal, the allowed: none objected to: none rejected: 1-12 and opposed drawing cor	ed claims	non-allowable claims on has been consider es not disclose drying ht. Applicants also allecause it is not direct is as follows (see attal.	would be would be would be would be would be would be work the work of a liquid sample. This is raue that there is no disclost and SOLELY to issues which eached written explanation, if work work would be written as a larger would be written as would be written as would be would be would be would be written as well as would be written as would be written as well as wel	allowable if submitted in a application in condition  Applicants' intended use ure of a "means  were newly raised by the any):